

52478-1917 (AZ70a)



RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 27 2004

OFFICE OF PETITIONS

In re Application of:

Examiner: Son P. Huynh

Hidekazu Tanigawa et al.

Group Art Unit: 2611

Serial No. 09/283,938

Filed: 04/01/1999

January 21, 2004

For: DATA COMMUNICATION
SYSTEM, DATA
TRANSMITTING APPARATUS,
AND DATA RECEIVING
APPARATUS

Irvine, California 92614

RECEIVED

JAN 30 2004

Technology Center 2600

DECLARATION OF CANDY L. NEU

I, Candy L. Neu, declare as follows:

1. I am employed as a Patent and Trademark Assistant for the firm of SNELL & WILMER LLP; I am also the IP docket clerk for Snell & Wilmer and was IP docket clerk for Price and Gess before merging with Snell & Wilmer, since June 1999.

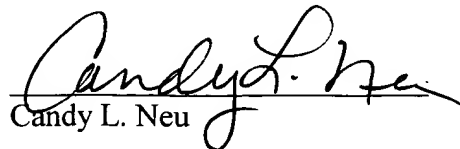
2. As part of my duties as IP docket clerk, I receive all mail from the U. S. Patent and Trademark office. I then retrieve all files corresponding to the items received from the Patent Office. I then entered the substance of the item, e.g., Amendment, Restriction Requirement, Issue Fee Due, etc., into a docket book and also into a computer program to determine statutory and other response dates. In addition, I enter the description of the item received from the USPTO on the file jacket of the patent application.

3. A true copy of the file jacket of the subject patent USSN 09/283,938 is attached as Exhibit A hereto. No Office Action is entered, because none was received. A true copy of the page from the patent docket book for May 27, 2003, the first response due date for the Office Action "if received", is attached as Exhibit B. A true copy of the computer program printout for May 27, 2003, is attached as Exhibit C. If the firm had received the Office Action letter mailed on February 27, 2003, it would have been entered in all these three places.

4. My review of our file and docketing system leads me to believe the Office Action was not received by Applicant's attorney and the undersigned for reasons unknown. Perhaps the Office Action was lost in transit.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed on January 21, 2004, at Irvine, California.


Candy L. Neu